

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRELLEBORG YSH, INC.,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:10-cv-00605

ADAPT TRANSPORT CORP., et al.,

Defendants.

REPORT AND RECOMMENDATION

This matter is before the Court on Plaintiff's Motion for Entry of Default Judgment Against Defendants Adapt Transport Corp. and Anthone Adducie (Dkt. 35), which was referred to the undersigned by the Honorable Janet T. Neff for report and recommendation under 28 U.S.C. § 636(b)(1)(B). The basis for Plaintiff's motion is that these defendants have failed to answer or otherwise defend against the Complaint. Plaintiff brought a motion for substitute service against these defendants on September 29, 2010 (Dkt. 8), alleging that the defendants were evading service of process under Fed. R. Civ. P. 4. The motion was granted (Dkt. 9). A proof of alternate service was filed by Plaintiff on November 18, 2010 (Dkt. 16). A default was entered against Defendants Adapt Transport Corp. and Anthone Adducie on December 27, 2010 (Dkt. Nos. 22, 23). Plaintiff's Motion for Entry of Default Judgment Against Defendants Adapt Transport Corp. and Anthone Adducie (Dkt. 35) in the amount requested is supported by the sworn affidavit of Tristan D. Greenman, Senior Accountant for Plaintiff Trelleborg YSH, Inc. (Dkt. 35-1, Page ID# 127-29).

Plaintiff is entitled to the entry of default judgment under Fed. R. Civ. P. 55(b)(2).

Therefore, the undersigned recommends that Plaintiff's Motion for Entry of Default Judgment Against Defendants Adapt Transport Corp. and Anthone Adducie (Dkt. 35) be granted and that the Proposed Order filed with Plaintiff's motion (Dkt. 36, Page ID# 130-31) be entered as soon as the period for objections has elapsed.

Respectfully submitted,

Date: August 4, 2011

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).